



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-133

FEB - 8 2011

CERTIFIED MAIL-7009 2250 0001 6624 1139
RETURN RECEIPT REQUESTED

WARNING LETTER

John Vander Veen, Owner/Operator
TJ Veen Acre Farms, Inc.
9501 Van Buren Road
Lynden, Washington 98264

Re: March 31, 2010, NPDES Compliance Inspection
NPDES Permit Number WAU000487

Dear Mr. Vander Veen:

On March 31, 2010, the U.S. Environmental Protection Agency (EPA) inspected your facility to evaluate its compliance with the Clean Water Act. I would like to express my appreciation for your staffs' time and cooperation during the inspection. At the time of inspection, the EPA inspector observed the following areas of concern.

Land Application Along Clearbrook Road

The inspector noted that the land application field located along Clearbrook Road had manure and solids applied approximately five to ten feet from drainage ditches. This application was closer then what was indicated in the Nutrient Management Plan for the time of year. The inspector did not see runoff at the time of the inspection nor see any mechanism preventing runoff from entering the drainage ditches. This is a potential area of discharge and would need coverage under the NPDES permit.

Silage Leachate Drainage

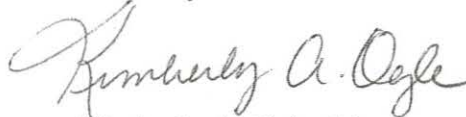
At the time of the inspection, the inspector saw drainage emanating form the south side of the silage bunker flowing down hill toward a drainage ditch that ultimately flows into Johnson Creek. This is a potential area of discharge and would need coverage under the NPDES permit.

pcg
2/22/11

The new Confined Animal Feeding Operation (CAFO) Rules state that "the owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges or proposes to discharge." Unless this area of potential discharge is permanently eliminated, your facility will need to seek coverage under a NPDES permit. Please follow up with Nora Mena, Washington State Department of Agriculture and Jon Jennings, Washington Department of Agriculture for questions regarding your status as a CAFO and obtaining coverage under the Washington General CAFO Permit.

Although our goal is to ensure facilities comply fully with the CWA, the ultimate responsibility rests with the facility. As such, I strongly encourage your company to continue its efforts to maintain full knowledge of its Permit requirements and the CWA and to take appropriate measures to ensure full compliance. If you have any questions concerning this matter, please call Steven Potokar, CAFO Enforcement Coordinator, at (206) 553-6354.

Sincerely,



Kimberly A. Ogle, Manager
NPDES Compliance Unit

cc: Nora Mena, Nutrient Management Plan Program Manager
Kevin Fitzpatrick, Ecology
Richard Grout, Ecology-Bellingham Field Office
Steven Hulbert, Washington State Department of Agriculture